

REMARKS*Amendment to the Abstract*

The Examiner has objected to the title of the abstract. Applicants have amended the title, thereby obviating the objection. Reconsideration and withdrawal of the objection are respectfully requested.

Amendments to the Claims

Applicants have amended Claims 9, 12 and 14 to more particularly point out and distinctly claim that which Applicants regard as their invention. Support for these amendments can be found throughout the Specification. For example, support for “coronary artery disease” can be found on page 28, lines 23-24 and page 34, lines 10-11.

Rejection of Claims 9-17, 19 and 22-24 Under 35 U.S.C. §112, First Paragraph

Claims 9-17, 19 and 22-24 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter that was not described in the Specification in such a way as to reasonably enable one skilled in the relevant art to make and/or use the claimed invention. In particular, the Examiner asserts that the term “cardiovascular disease” encompasses a broad range of diseases, and that the Specification, while being enabling for predicting likelihood of coronary artery disease, is not sufficient to enable one of skill in the art to practice the invention commensurate with the scope of the claims with respect to “cardiovascular disease.”

Applicants have canceled claims 11, 13, 15-17, 19 and 22-24. Applicants have amended Claims 9, 12 and 14, and to recite “coronary artery disease”. Applicants note that Claim 10 is dependent upon amended Claim 9. As the Examiner states that the Specification is enabling for the scope of “coronary artery disease”, the rejection is obviated by the amendments to the Claims.

The Examiner also asserts that Applicants do not provide enabling support for predicting the likelihood that an individual will have a cardiovascular disease if the nucleotide at position 11 of SEQ ID NO:5 is a nucleotide other than cytidine or thymidine, thereby requiring undue experimentation on the part of the skilled artisan to determine the predictive value of these other

alleles. Applicants note that this portion of the rejection was apparently applied to Claims 12 and 14, which have been amended to obviate the rejection.

Applicants have amended Claims 9 to clearly indicate that the claim is drawn to a method for identifying coronary artery disease-associated polymorphisms at nucleotide position 11 of SEQ ID NO:5. Applicants clearly teach methods for identifying polymorphisms at nucleotide position 11 of SEQ ID NO:5 and methods for correlating the presence of a particular nucleotide at that position with coronary artery disease sufficient to enable one of skill in the art to identify additional coronary artery disease-associated polymorphisms at position 11 of SEQ ID NO:5.

In view of Applicants amendments and remarks, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claims 22 and 24 Under 35 U.S.C. §112, Second Paragraph

Claims 22 and 24 are rejected under 35 U.S.C. §112, second paragraph, for failing to point out and distinctly claim the subject matter that the Applicants regard as their invention. Specifically, the Examiner asserts the phrase “cytidine at thymidine position...” is vague and indefinite. Applicants have canceled Claims 22 and 24, thereby obviating the rejection.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Dated:

8/20/03